



Report to Planning Committee 14 October 2024

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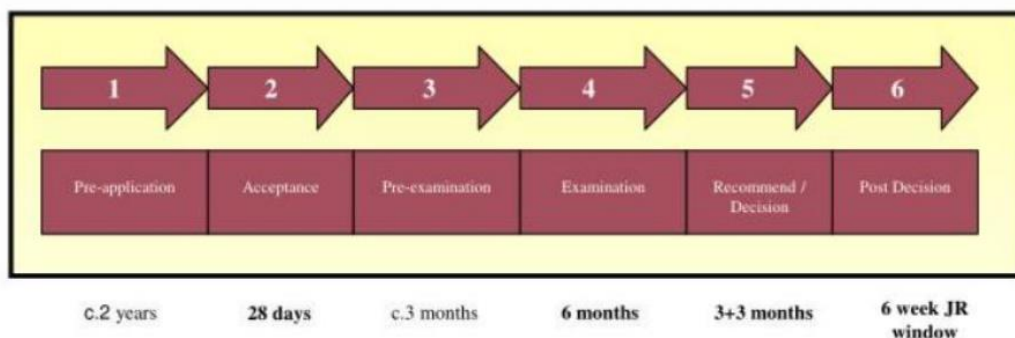
Report Summary			
Report title	Local Impact Report A46 Newark Bypass		
Location	Newark and the surrounding area		
Applicant	National Highways	Agent	N/A
Web Link	A46 Newark Examination Library (planninginspectorate.gov.uk)		
Registered	-----	Target Date	To be submitted to the ExA by 22 October 2024
Recommendation	That Members of the Planning Committee Approve the submission of the report to the Examining Authority.		

1.0 **Background**

- 1.1 In accordance with the agreed protocol which was presented to Members of the Planning Committee on 6th June 2024 this item is for agreement of the submission of the Local Impact Report for the A46 Newark Bypass to be submitted on behalf of Newark and Sherwood District Council as or assessment of the Scheme.
- 1.2 Members will recall that the A46 Newark Bypass has been long-lobbied for by several tiers of government and industry locally, regionally and nationally. The then-titled A46 Newark Northern Bypass was accepted as nationally significant as part of the National Road Investment Strategy 2 (2020-2025).
- 1.3 Given the scale and complexity of this project, much like any other major highway scheme, there is a lengthy process involved. To date, there has been non-statutory public consultation (December 2020), statutory consultation (October 2022), and various technical consultations and negotiations with this Council and other Councils, alongside affected landowners and communities along the route of the proposed Bypass. National Highways submitted a Development Consent Order (DCO) earlier this year with the formal acceptance having been made by the Planning Inspectorate on the 23 May 2024.

What is a Nationally Significant Infrastructure Project (NSIP), Development Consent Order, and the process.

- 1.4 Nationally Significant Infrastructure Projects (NSIP) are large scale projects falling into five general categories (Energy; Transport; Water; Waste Water and Waste), which are considered by the Government to be so large and nationally important that permission to build them need to be given at a national level, by the responsible Government minister (the 'Secretary of State'). Thresholds for infrastructure developments considered to be nationally significant are set out in the Planning Act 2008, with amendments under the Localism Act 2011.
- 1.5 Instead of applying to the local authority for Planning Permission in the normal way, the developer/applicant must apply to the Planning Inspectorate for a different permission called a Development Consent Order (DCO).
- 1.6 A DCO follows a strict timetable and procedure as set out by the Planning Inspectorate and removes the need to obtain several separate consents and is intended to be a quicker process. The final decision is taken by the Secretary of State, the elected minister with responsibility for the area of policy.
- 1.7 The Planning Act 2008 introduced the NSIP process to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicant alike. There are six stages in the process which are outlined below and the bold text refers to the statutory timescales which have to be adhered to. If the Application is successful, the Secretary of State will grant the DCO in respect of the Application. The relevant Local Authority then becomes responsible for discharging and monitoring any requirements (similar to planning conditions) of the DCO and associated legal agreements.



- 1.8 Newark & Sherwood District Council is a statutory consultee for these projects which means we can make comments **but do not make the final decision** on whether the schemes are approved or not.
- 1.9 Members will note that given the change in Government some Infrastructure schemes have been put at risk or are now not progressing. Given that the A46 Newark Bypass scheme is now in its Statutory period it now has to run that 6month timeframe until the Inspector makes their recommendation to the Secretary of State. It is at that point the Scheme could then be reviewed again. However at this point we must engage in the process as is our Statutory function to do so.

2.0 Next Steps

- 2.1. Following the acceptance of the DCO, the Examining Authority (ExA) has set the timetable for the rest of the process and how it will be examined. This is set out in the Rule 6 letter published by the ExA¹. This is mainly a paper based exchange with questions being asked by the ExA to all parties and variations submitted, but there are three scheduled hearing periods within the 6month timeframe commencing on the 8th October, again in December and the final one in February 2025. A recommendation from the ExA is expected to the Secretary of State in April 2025.
- 2.2. The Local Impact Report is the Council's only chance to explain the impacts of the Scheme to the ExA in its fullest form, which is why it was considered necessary to gain Members approval for its submission. It sets out the extent of the impact and the positives and negatives the Scheme will bring, along with any mitigation and amendments that will be needed. This is not a balancing exercise as with a regular planning application and Members should be mindful of that fact.
- 2.3. The report is long and has been produced in conjunction (in part) with Nottinghamshire County Council, who in turn will be producing their own Local Impact Report for submission to the ExA too.
- 2.4. The Local Impact Report has to be submitted to the ExA by Deadline 1 as outlined in the Rule 6 letter which is 22 October 2024.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

The Planning Inspectorate webpages for the A46 Newark Bypass can be found here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010065/TR010065-000343-5b.%20Examination.Library.pdf>

¹ [TR010065-000506-Rule 6 letter V4 FINAL.pdf \(planninginspectorate.gov.uk\)](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010065/TR010065-000506-Rule%206%20letter%20V4%20FINAL.pdf)